

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

HEATHER HERNDON,

Plaintiff,

v.

EXPERIAN, *et al.*,

Defendants.

Case No. 3:22-cv-00165-SLG

ORDER RE MOTION TO MOVE THE COURT TO VOID ORDER

Before the Court at Docket 84 is Plaintiff Heather Herndon's Motion to Move the Court to Void Order. Ms. Herndon requests that the Court void its order at Docket 82 granting Defendant Experian's motion for expenses. She asserts that she refused the invoice, and she attached a copy of the invoice on which she wrote "offer to contract is not accepted."¹ She cites 18 U.S.C. §§ 241, 242 and 15 U.S.C. § 78cc² and contends that she "will not be paying Defendant nor Defendant's counsel nor any third party."³

Plaintiff has not shown that she is entitled to relief. First, 18 U.S.C. §§ 241, 242 are federal criminal statutes that provide for the prosecution of individuals who

¹ Docket 84 at 6.

² Docket 84 at 1, 6.

³ Docket 84 at 1.

conspire against a person's federal rights or deprive a person of her federal rights.⁴ "These criminal provisions, however, provide no basis for civil liability,"⁵ meaning a private citizen cannot maintain a civil claim against another individual or entity under this statute. Next, 15 U.S.C. § 78cc applies to contracts made under the Securities Exchange Act.⁶ Herndon's complaint did not raise a securities claim; rather, she alleged that Experian erroneously included items on her credit report and refused her requests to remove them from the credit report.⁷ Finally, Plaintiff seems to misapprehend the nature of Experian's motion for expenses. Experian sought expenses from Plaintiff after she failed to appear for her deposition after a court reporter had been hired and was present.⁸ Experian did not seek expenses based on any contract between Plaintiff and Experian.

Accordingly, Plaintiff's Motion to Move the Court to Void Order at Docket 84 is **DENIED**.

DATED this 23rd day of October, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

⁴ 18 U.S.C. §§ 241, 242.

⁵ *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980).

⁶ 15 U.S.C. § 78a.

⁷ Docket 9 at 2.

⁸ Docket 79 at ¶¶ 4-5.